

Ext. 51917-C-PCT-US/JPW/GJC

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHODS FOR TREATING ISCHEMIC DISORDER AND IMPROVING STROKE OUTCOME

*the specification of which:
(check one)*

is attached hereto.

X was filed on 27 September 2000 as
Application Serial No. 09/671,100.
and was amended 27 September 2000
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 (a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International Application which designated at least one country other than the United States, listed below. I have also identified below any foreign application for patent or inventor's certificate, or PCT International Application having a filing date before that of the earliest application from which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

Declaration and Power of Attorney

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

| <u>Provisional Application No.</u> | <u>Filing Date</u> | <u>Status</u> |
|------------------------------------|--------------------|---------------|
| N/A | | |
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I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States Application(s), or Section 365(c) of any PCT International Application(s) designating the United States listed below. Insofar as this application discloses and claims subject matter in addition to that disclosed in any such prior Application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which became available between the filing date(s) of such prior Application(s) and the national or PCT international filing date of this application:

| <u>Application Serial No.</u> | <u>Filing Date</u> | <u>Status</u> |
|-------------------------------|--------------------|---------------|
| 09/053,871 | 1 April 1998 | pending |
| PCT/US99/07175 | 1 April 1999 | pending |
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| | | |

And I hereby appoint

John P. White (Reg. No. 28,678); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Robert T. Maldonado (Reg. 38,232); Paul Teng (40,837); Richard F. Jaworski (Reg. No. 33,515); Elizabeth M. Wieckowski (Reg. No. 42,226); Pedro C. Fernandez (Reg. No. 41,741); Gary J. Gershik (Reg. No. 39,992); Jane M. Love (Reg. No. 42,812); Spencer H. Schneider (Reg. No. 45,923) and Raymond A. Diperna (Reg. No. 44,063).

and each of them, all c/o Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 10036, my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

Please address all communications, and direct all telephone calls, regarding this application to:

John P. White _____ Reg. No. 28,678

*Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
Tel. (212) 278-6400*

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true: and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

*Full name of sole or
first joint inventor* David J. Pinsky

Inventor's signature [Signature]

Citizenship U.S.A. *Date of signature* 9/28/00

Residence 23 Kennedy Road, Cresskill, New Jersey 07626

Post Office Address same as residence

*Full name of joint
inventor (if any)* David Stern

Inventor's signature David Stern

Citizenship U.S.A. *Date of signature* 10/4/2000

Residence 63 Tanners Road, Great Neck, New York 11020

Post Office Address same as residence

*Full name of joint
inventor (if any)* Ann Marie Schmidt

Inventor's signature Ann Marie Schmidt

Citizenship U.S.A. *Date of signature* 10/4/2000

Residence 242 Haven Road, Franklin Lakes, New Jersey 07417

Post Office Address same as residence

Declaration and Power of Attorney

Page 4

*Full name of joint
inventor (if any)* Eric Rose

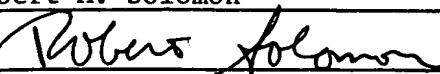
Inventor's signature 

Citizenship U.S.A. *Date of signature* Oct 1, 2000

Residence 96 Oxford Drive, Tenafly, New Jersey 07670

Post Office Address same as residence

*Full name of joint
inventor (if any)* Robert A. Solomon

Inventor's signature 

Citizenship U.S.A. *Date of signature* 9-28-00

Residence 1 Justin Court, Palisades, New York 10964

Post Office Address same as residence

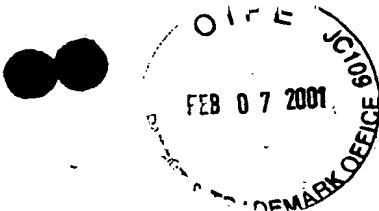
*Full name of joint
inventor (if any)* _____

Inventor's signature _____

Citizenship _____ *Date of signature* _____

Residence _____

Post Office Address _____



Dkt. 51917-C-PCT-US/JPW/GJC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : David J. Pinsky, et al.
U.S. Serial No. : Not Yet Known (Continuation Application
of PCT/US99/07175, filed 1 April 1999)
Filed : Herewith
For : METHODS FOR TREATING ISCHEMIC DISORDER
AND IMPROVING STROKE OUTCOME

1185 Avenue Of The Americas
New York, New York 10036
September 27, 2000

Assistant Commissioner for Patents
Washington, D.C. 20231
Box: Patent Application

Sir:

PRELIMINARY AMENDMENT TO THE ACCOMPANYING CONTINUATION
APPLICATION FILED UNDER 37 C.F.R. §1.53

Applicants request that the following amendment be made in the
above-identified application:

In the Specification:

On page 1, after the title and before line 5, please delete the
paragraph and insert the following new sentence:

--This application is a continuation of PCT International
Application No. PCT/US99/07175, filed 1 April 1999,
designating the United States of America, which is claiming
the priority of U.S. Serial No. 09/053,871, filed April 1,
1998, the contents of which are hereby incorporated by
reference into the present application.--

David J. Pinsky, et al.
U.S. Serial No.: Not Yet Known
(Continuation of PCT/US99/07175,
filed 1 April 1999)
Filed: Herewith
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REMARKS

This application is a continuation of PCT International Application No. PCT/US99/07175, filed 1 April 1999, designating the United States of America and claiming priority of U.S. Serial No. 09/053,871, filed April 1, 1998. Accordingly, the parent application, PCT International Application No. PCT/US99/07175, is pending today in the United States of America pursuant to 35 U.S.C. §363, and the subject continuation application is co-pending therewith in fulfillment of the provisions of 35 U.S.C. §120.

By this Preliminary Amendment, applicants have hereinabove amended the specification on page 1 to insert the continuation data. Applicants maintain that the amendments to the specification present no issue of new matter and are fully supported by the specification. Applicants have amended the specification to recite the continuing data for the above-identified application.

Claims 1-32 were pending in the subject application. Accordingly, upon entry of this Amendment, claims 1-32 will be pending and under examination.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone at the number provided below.

David J. Pinsky, et al.
U.S. Serial No.: Not Yet Known
(Continuation of PCT/US99/07175,
filed 1 April 1999)
Filed: Herewith
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No fee other than the filing fee of \$826.00 is deemed necessary in connection with this Preliminary Amendment. However, if any other fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Reg. No. 28,678
Attorney for Applicant
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400